

Message

From: Zizila, Frances [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=73F8673EC06F4D0EA87BE2FCC126D1E0-ZIZILA, FRANCES]
Sent: 7/18/2022 2:45:31 PM
To: James Bruno [jbruno@cqclaw.com]
Subject: Syncon

Good morning, Jim.

I wanted to let you know that I have reached out to EPA Headquarters in D.C. to get samples of “comfort letters” that EPA has issued to local governments such as the Town of Kearny in a situation like this where the Town is concerned about exposure to CERCLA liability when foreclosing on a Superfund site. As I have explained previously to you, there is EPA guidance on this issue, which I’ve sent you, that specifically notes that there is an exception to liability in the statute. Despite this exception, EPA can also issue what we call a “comfort letter” to the Town of Kearny that provides additional comfort to the town.

I also wanted to get an update from you on when we can expect to receive the Town’s comments on the draft MOA. Please understand that the MOA is a “model” document and that we do not have the ability to diverge too much from it without a significant reason and usually an additional clearance from EPA HQs. That is why I am suggesting that EPA issue a comfort letter as mentioned above.

Thanks,
Frances